

Senate Energy & Telecommunications Committee  
Exhibit No. 2  
Date 1/20/2011  
FILED SJ 4 & SJ 5  
Edward W. Regan  
129 N. Cherry Street  
Townsend, MT 59644

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please insert  
into Record.  
E. Regan

January 17, 2011

Senator Alan Olsen, Chairman  
Senate Energy & Telecommunications Committee  
PO Box 200500  
Helena, MT 59620-0500

**RE: SJ 4 (Balanced Budget) & SJ 5 (Term Limits); Montana's Application for a Federal Constitutional Convention Under Article V; Sponsored by Senator Wittich**

Dear Senator Olsen & Committee Members:

**I strongly oppose passage of both SJ 4 (Balanced Budget Amendment) & SJ 5 (Term Limits) and I urge the Committee to consider exactly what's at stake if these measures are passed.** An Article V Constitutional Convention (also known as a Con-Con) is a dangerous and untested process for amending our constitution. The Convention method will threaten the basic structure and underpinnings of our Republic.

If balanced budgets and term limit amendments are truly what's needed; the process through which the existing 27 amendments have already been added or rescinded to our federal constitution is the safer method and the one that should be employed, **not the Convention Alternative.**

Proponents of a Con-Con argue that a Convention can be limited to a specific issue. Not true! Over the past two centuries many of America's most astute legal minds have been warning us that Constitutional Conventions are sovereign bodies that control their own destiny.

**Former Chief Justice Warren Burger stated:** "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that a Convention would obey".

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork, stated:** "It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has suggested the constitution is a nullity for that reason. Accordingly I do not see how a Convention could be limited to one topic once it has been called". Judge Bork noted that our

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original constitutional convention was a **"runaway"** in a sense that the delegates exceeded their instructions from the Confederate Congress.

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody here today trust putting the fate of our constitution in the hands of today's politicians and special interests??? **I HOPE NOT!**

Even **James Madison**, father of the constitution, warned in 1788 that a second convention 'would no doubt contain individuals with insidious views seeking to alter the very foundation and fabric of the constitution'. (Letter to G.I. Tuberville 11/2/1788)

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Again I urge you to vote against the Convention Process, and instead of changing our constitution let's start enforcing it. Thank you for your consideration.

Respectfully,

  
Edward W. Regan

CC: Senator Verdell Jackson  
Senator Shannon Augare  
Senator Ron Erickson  
Senator Jeff Essman  
Senator Bob Lake  
Senator Lynda Moss  
Senator Jason Priest  
Senator Mitch Tropila  
Senator Kendall Van Dyk  
Senator Chas Vincent  
Senator Edward Walker  
Senator Dave Lewis  
Senator John Brenden  
Representative Kelly Flynn  
Representative Pat Connell  
Secretary Lane Taylor-Energy & Telecommunications Committee  
Senator Joe Balyeat  
Senator Taylor Brown  
Representative John Esp  
Representative Alan Hale  
Representative Wendy Warburton

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